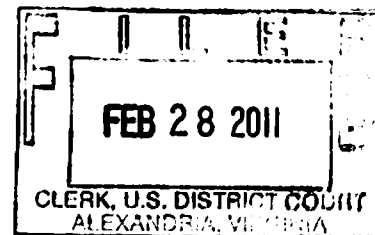


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION



Board of Trustees,
National Stabilization
Agreement of the Sheet Metal
Industry Trust Fund, et al.,

Plaintiffs,

v.

Accurate Installation
Services, Inc.,

Defendant.

Case No. 1:10cv463 (GBL)

MEMORANDUM ORDER

THIS MATTER is before the Court on the January 7, 2011 Report and Recommendation of Magistrate Judge T. Rawles Jones, Jr. regarding Plaintiffs' Motion for Default Judgment against Defendant Accurate Installation Services, Inc. ("Defendant"). (Dkt. No. 7.) This case concerns Plaintiffs' requests for damages, attorneys' fees, and legal costs pursuant to several different federal statutes and a labor contract.

Plaintiffs (collectively, the "Funds") are National Stabilization Agreement of the Sheet Metal Industry Trust Fund ("SASMI") (established under 29 U.S.C. § 186(c)(5) (2006)), Sheet Metal Workers' National Pension Fund ("NPF") (established under 29 U.S.C. § 186(c)(5)), International Training Institute for the Sheet Metal and Air Conditioning Industry ("ITI") (established under 29 U.S.C. § 186(c)(5)), National Energy Management Institute Committee

("NEMIC") (established under 29 U.S.C. § 186(c)(9) (2006)), and Sheet Metal Occupational Health Institute Trust ("SMOHIT") (established under 29 U.S.C. § 186(c)(5)). Plaintiffs are all employee benefits plans or trust funds that are administered in offices located in Alexandria, Virginia.

Plaintiffs filed the Complaint on May 6, 2010. (Dkt. No. 1.) Process was served on Defendant through delivery of the Summons and Complaint to Tammy Felix, Defendant's Company Representative, at 9089 Forest Pines Drive, Mecosta, Michigan 49332. (Dkt. No. 5). Defendant failed to appear, answer, or file any other responsive pleadings in this matter.

On July 1, 2010, Plaintiffs filed a Request for Entry of Default with the Clerk's Office. (Dkt. No. 5.) The Clerk entered default against Defendant on July 8, 2010. (Dkt. No. 6.) On July 13, 2010, Plaintiffs filed a Motion for Default Judgment, and the hearing was conducted on July 30, 2010. (Dkt. Nos. 7, 11.) Defendant failed to appear at the scheduled July 30, 2010 hearing, after which time the magistrate judge took the case under advisement. (Dkt. No. 11).

Defendant has not responded to the Complaint, and Federal Rule of Civil Procedure 55 allows this Court to grant a Motion for Default Judgment where a party fails to plead or defend against a claim. Fed. R. Civ. P. 55.

Magistrate Judge Jones recommends that the Court enter judgment against Defendant in favor of Plaintiffs in the aggregate amount of \$22,607.77. Plaintiffs are entitled to recover the following:

<u>Costs</u>	
Delinquent Contributions	\$14,859.57
Liquidated Damages	\$2,971.47
Accrued Interest	\$1,683.55
Attorneys' Fees	\$2,459.00
Costs	\$634.18
<u>TOTAL</u>	\$22,607.77

Neither party filed objections within fourteen (14) days after being served with the magistrate judge's recommendation. Therefore, the Court adopts Magistrate Judge Jones' Report and Recommendation in toto. Accordingly, it is hereby

ORDERED that default judgment be ENTERED in favor of Plaintiffs National Stabilization Agreement of the Sheet Metal Industry Trust Fund ("SASMI"), Sheet Metal Workers' National Pension Fund ("NPF"), International Training Institute for the Sheet Metal and Air Conditioning Industry ("ITI"), National Energy Management Institute Committee ("NEMIC"), and Sheet Metal Occupational Health Institute Trust ("SMOHIT") against Defendant Accurate Installation Services, Inc. in the amount of \$22,607.77.

The Clerk is directed to enter a separate judgment pursuant to Federal Rule of Civil Procedure 58 in favor of Plaintiffs National Stabilization Agreement of the Sheet Metal Industry Trust Fund ("SASMI"), Sheet Metal Workers' National Pension Fund ("NPF"), International Training Institute for the Sheet Metal and Air Conditioning Industry ("ITI"), National Energy Management Institute Committee ("NEMIC"), and Sheet Metal Occupational Health Institute Trust ("SMOHIT") against Defendant Accurate Installation Services, Inc. in the amount of \$22,607.77. The Clerk is further directed to forward a copy of this Order to counsel of record.

Entered this 28th day of February, 2011.

Alexandria, Virginia

/s/
Gerald Bruce Lee
United States District Judge